

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Cedar Grove Church Cemetery, Inc.

18-103-SPH

DATE: February 15, 2018

BOARD/PANEL: Jason S. Garber, Chairman
Kendra Randall Jolivet
James H. West

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate the following:

1. Motion to Dismiss filed by Protestants, and People's Counsel

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board convened for argument on the Motions to Dismiss, and following the hearing convened for Public Deliberation.
- The Board noted that it is rare to dismiss a case prior to a hearing on the merits. The Board looked to Petitioner to identify facts or other authority which would permit the Board to define electronic changeable copy sign in a different manner. Although the Board understood the reasons why Petitioner wanted an electronic copy sign, the case must be decided by the facts and law.
- The Board must apply the law as passed by the Baltimore County Council. The law states that an electronic, changeable copy sign is prohibited outside of the URDL.
- The Board noted that Petitioner did not apply for a variance and the posting of the property did not identify a variance.
- There was only one outcome for this case – the Board could only conclude that Petitioner's sign is prohibited.

CONCLUSION: After thorough review of the facts in the record and law governing this matter, the Board unanimously agreed to GRANT the Motion to Dismiss.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

/s/
Tammy A. Zahner